

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS,
GOVERNOR OF THE NORTHERN
MARIANA ISLANDS,
COMMISSIONER OF THE
DEPARTMENT OF PUBLIC
SAFETY, SECRETARY OF THE
DEPARTMENT OF LABOR AND
IMMIGRATION, SECRETARY OF
THE DEPARTMENT OF
COMMUNITY AND CULTURAL
AFFAIRS,

Defendants.

CIVIL ACTION NO. CV 99-0017

STATUS REPORT

DEPARTMENT OF CORRECTIONS

PART 1 OF 2 PARTS

April 1, 2006

Consent Decree Requirement	Substantial Compliance Yes / No	Impact: Health, Injury, Security, Other	Estimated Costs to Achieve Compliance	Status
<p>Planning</p> <p>Defendants shall develop a short-term and long-term plan for operating SPC, SDF, TDF, and RDE. This plan shall address operating these facilities as a system, where practicable. This plan shall correct current deficiencies and address future population growth. In particular, the plan should address: (a) Facility population projections and classification of projected populations; (b) Space requirements for housing and projected population in SPC, SDF, TDF, and RDE; (c) Programming and services at these facilities appropriate to their populations, including medical care, mental health care, food service, and protection from harm; (d) Staffing and training; (e) Security and emergency planning; (f) Funding.</p> <p>The short-term component of the plan shall be completed within 30 days of the entry of this Decree and updated every six months. [§ 11 Planning ¶ 9]</p> <p>Defendants shall obtain the assistance of professional consultants in developing this plan. Defendants may seek the assistance of the National Institute of Corrections in developing the plan. Compliance with this planning requirement shall not be dependent or contingent, however, upon obtaining assistance from the National Institute of Corrections. Defendants may utilize such other professionals to develop this plan as they deem appropriate. [§ 11 Planning ¶ 10]</p> <p>Defendants shall provide the United States with a copy of the final proposed short-term and long-term plan and their revisions upon completion. The United States shall have the right to disapprove any plan or portion of the plan which it concludes fails to comport with appropriate penological practice. [§ 11 Planning ¶ 11]</p>	Yes			

<p>If the Defendants choose to operate RDF and TDF as temporary holding facilities, defined as routinely confining inmates for less than twenty-four (24) hours, absent exigent circumstances, but for no longer than forty-eight (48) hours, then RDF and TDF shall not be required to comply with the following requirements of this Decree: (a) The portion of Paragraph 19 requiring Defendants to provide metal storage lockers; (b) Paragraph 45 which requires Defendant to provide hot water in bathrooms; (c) Paragraph 50 requiring health screening, testing, and examinations; (d) Paragraph 53 requiring the facilities to be staffed by full-time correctional officers; (e) Paragraph 54 requiring training for correctional officers; (f) Paragraph 56 requiring classification of inmates; (g) Paragraph 60 requiring special needs, protective custody, and disciplinary / maximum security housing areas; (h) Paragraph 60 requiring a secure perimeter fence; and (i) Paragraph 62 requiring control of tools and utensils. [§ II Planning ¶ 12]</p>	yes				
<p>Fire Safety Defendants shall protect persons confined in SPC, SDF, TDF, RDF, KYF, and SHDF from undue risk of harm from fire and smoke. [§ III Fire Safety ¶ 13]</p>	yes				
<p>Within 180 days of entry of this Decree, Defendants shall provide a complete and working fire alarm system with system type smoke detectors in SPC, SDF, TDF, RDF, KYF, and SHDF. Such fire alarm and smoke detection system shall be continuously monitored by staff through a central control panel at each facility and shall directly alert the fire department. Defendants shall test the alarm and smoke detection system monthly, and service or repair as necessary. [§ III Fire Safety ¶ 14] NOTE: SEE EXCEPTION IN ¶65.a.</p>	yes				Fire alarm @ MST is not in operation & in lieu smoke detectors are placed in the facility
<p>Defendants shall remove all polyurethane foam mattresses, pillows, furniture, and other foam materials, such as insulation, from SPC, SDF, TDF, RDF, KYF, and SHDF. Defendants agree to utilize only fire resistant and/or retardant mattresses, pillows, bedding, furniture, insulation, and other materials. [§ III Fire Safety ¶ 15]</p>	yes				
<p>SPC, SDF, TDF, RDF, KYF, and SHDF shall each have a back-up generator for use during power-outages. Each generator shall comply with the National Fire Protection Association Code and be capable of powering all alarms, lights, and other fire-safety and emergency equipment. Defendants shall test and service such generators weekly, including servicing the battery charger, regular oil changes,</p>	yes				

<p>live load tests, and in-use tests. [§ III Fire Safety ¶ 16]</p> <p>Defendants shall complete a comprehensive survey of all substandard and hazardous electrical conditions and correct such conditions at SPC, SDF, TDF, RDF, KYF, and SDDF. Afterwards, the C/NM Fire Division or other qualified agency shall conduct an inspection of these facilities to identify electrical fire and shock hazards, and the defendants shall correct any hazards. [§ III Fire Safety ¶ 17]</p>	Yes		
<p>Defendants shall install emergency lighting and exit signs at SPC, SDF, TDF, RDF, KYF, and SDDF. [§ III Fire Safety ¶ 18]</p> <p>Within 180 days from entry of this Decree, Defendants shall provide approved metal waste receptacles and metal containers to store personal combustible items for staff and persons confined at SPC, SDF, TDF, RDF, KYF, and SDDF. The storage containers for personal items that inmates are permitted to keep in their cells shall be located in their sleeping areas and provide inmates with easy access to their personal belongings. Defendants shall also remove all unnecessary combustible items and materials from housing unit, storage areas, and common areas. [§ III Fire Safety ¶ 19]</p> <p>NOTE: EXCEPTION FOR METAL STORAGE LOCKERS ONLY FOR TDF/RDF. ALL OTHER PROVISIONS REMAIN IN EFFECT</p> <p>Within 180 days from entry of this Decree, Defendants shall provide SPC, SDF, TDF, RDF, KYF, and SDDF, or units of such facilities, each with local common key locks for all cell, ingress/egress, and other locking doors along the path of ingress/egress. Each such facility, or unit of a facility, shall utilize local common keys in a manner that permits speedy evacuation of the facility while ensuring security. Such keys shall be identifiable by sight and touch. All ingress / egress doors shall be able to be unlocked from both sides. No cell doors, ingress/egress door, or other locking door obstructing the path of ingress / egress shall be secured with any lock other than the common-key lock. [§ III Fire Safety ¶ 20]</p>	No	None	Will comply with requirements of the New Prison Complex
<p>Defendants shall ensure that a set of emergency keys that function appropriately on all exit doors is kept readily accessible to staff on all shifts at SPC, SDF, TDF, RDF, KYF, and SDDF. All corrections staff must be educated with respect to the location of emergency keys within their facility. [§ III Fire Safety ¶ 21]</p>	Yes		

<p>Within 180 days of entry of this Decree, Defendants shall install at SPC and SHDF a complete automatic sprinkler system with quick response heads throughout the facility, including storage and staff areas, except where such sprinklers are unfeasible due to conditions such as high temperatures in equipment rooms. [§ III Fire Safety ¶ 22]</p> <p>NOTE: SEE ¶65.b. FOR PARTIAL EXCEPTION</p> <p>Defendants shall provide at SPC, SDF, TDF, RDE, KYE, and SHDF a fire or smoke emergency evacuation safe refuge area at least fifty feet from the facility that is directly accessible to evacuating persons. Such refuge area shall provide sufficient space to safely hold evacuees. [§ III Fire Safety ¶ 23]</p>	NO				Smoke Detectors are install. Fire Sprinkler @ HSF is inoperative & will be in compliance at New Prison complex
<p>Within 180 days from entry of this Decree, Defendants shall cease housing persons in the wood-frame structure at SPC designated the "half-way house." No person shall be housed in wood-frame buildings. As an interim measure until inmates are no longer housed in this wood-frame building, Defendants shall immediately ensure that no cooking or smoking takes place in the building, that inmates' personal items are kept at a minimum and are stored in metal lockers, the building has sufficient single-station fire alarms and smoke detectors, and that the building is continuously supervised by a staff-member inside the building with two-way communication to a central command center capable of calling the fire department. [§ III Fire Safety ¶ 24]</p>	Yes				
<p>Defendants shall develop a comprehensive and ongoing fire-safety and other emergency training program for SPC, SDF, TDF, RDE, KYE, and SHDF. Such training shall consist of emergency procedures, use of fire protection and other emergency equipment, and evacuation of inmates and staff, under actual fire or other emergency conditions. Such training shall be conducted at least annually and for all newly hired persons. In addition, defendants shall conduct regular fire and other emergency drills at each facility in which staff use emergency equipment and procedures to evacuate the facilities and respond to a fire or other emergency. [§ III Fire Safety ¶ 25]</p>	Yes				

Within 180 days from entry of this Decree, Defendants shall provide SPC/SIDF and SHDF with necessary fire evacuation equipment to include two emergency breathing apparatus for each facility and sufficient fire extinguishers. Defendants shall provide RIDF, TDF, and KYF with necessary fire evacuation equipment to include one emergency breathing apparatus for each facility and sufficient fire extinguishers. RIDF and TDF may use the emergency breathing apparatus located at their respective fire departments. [§ III Fire Safety ¶ 26]	Yes			
Defendants shall establish and document at SPC, SIDF, TDF, RIDF, KYF, and SHDF a fire safety and emergency equipment maintenance and inspection program to evaluate on a regular basis each facility for fire safety, and test, service, and maintain all fire safety equipment. [§ III Fire Safety ¶ 27]	Yes			
Defendants shall designate at SPC, SIDF, TDF, RIDF, KYF, and SHDF a fire safety and emergency coordinator for each facility who shall be responsible for each facility's fire safety and other emergency training, equipment, and other programs. [§ III Fire Safety ¶ 28]	Yes			
Defendants must at all times staff SPC, SIDF, TDF, RIDF, KYF, and SHDF with at least one staff-person per housing unit directly responsible for and capable of detecting and responding to a fire or other emergency and evacuating persons confined in these facilities. [§ III Fire Safety ¶ 29]	Yes			
Defendants shall install a second outside exit at SHDF that can be used to evacuate persons during a fire or other emergency. [§ III Fire Safety ¶ 30]				
<u>Food Services</u> Defendants shall provide persons confined in SPC, SIDF, TDF, RIDF, KYF, and SHDF with food prepared under sanitary conditions. [§ IV Sanitation ¶ 31]	Yes	Boji's "R" Us Cafeteria for the inmates		
Defendants shall ensure that all personnel supplying or handling food served at SPC, SIDF, TDF, RIDF, KYF, and SHDF receive training in the basic principles of food protection and food hygiene by the local public health authority or other competent source. Defendants shall maintain records of this training, attested to by the training authority. [§ IV Sanitation ¶ 32]	Yes			

Defendants shall provide SPC, SDF, TDF, RDF, KYE, and SHDF with food warmers and insulated containers to ensure that hot foods are transported and/or stored before and through their service to inmates at or over 140 degrees Fahrenheit and cold foods are kept sufficiently cold to prevent the growth of dangerous bacteria. [§ IV Sanitation ¶ 33]	Yes			Food is not prepared @ SPC, but at the Cafeteria place of business
Defendants shall ensure that all utensils used to make or distribute any food served at SPC, SDF, TDF, RDF, KYE, and SHDF are clean and sanitized either through chemical sanitization in a three-compartment sink or through steaming the surface of utensils to at least 160 degrees Fahrenheit. [§ IV Sanitation ¶ 34]	Yes			
Defendants shall ensure all food or consumption at SPC, SDF, TDF, RDF, KYE, and SHDF is stored in a manner to prevent the growth of dangerous bacteria or other dangerous contaminants. Frozen foods shall be stored at or below 0 degrees Fahrenheit. Refrigerated foods shall be stored at or below 45 degrees Fahrenheit. [§ IV Sanitation ¶ 35]	Yes			
Defendants shall provide hot water not to exceed 120 degrees Fahrenheit but above 110 degrees Fahrenheit in the food preparation and service areas SPC, SDF, TDF, RDF, KYE, and SHDF, and at any contractor providing food to these facilities, for personal hygiene and cleaning food service utensils. [§ IV Sanitation ¶ 36]	Yes			SPC gets monthly treatment Pest Control
Defendants shall develop pest control plan and ensure SPC, SDF, TDF, RDF, KYE, and SHDF are free from pest and vermin. Within 180 days from entry of this Decree, all windows that can be opened shall have screens. [§ IV Sanitation ¶ 37]	Yes			Inmates w/ special diets gets the prescription from the doctors & then send to Cafeteria.
Defendants shall supply special diets where medically indicated to persons confined in SPC, SDF, TDF, RDF, KYE, and SHDF. The formulation of these special diets must be approved by a qualified dietitian. [§ IV Sanitation ¶ 38]	Yes			Food is not prepared @ SPC but at the Cafeteria place of business
Defendants shall establish and document a regular food service equipment and utensil preventive maintenance program to ensure that equipment is functioning properly and that utensils are clean and sanitary. This program shall include regular testing of food utensils used by contractors, and food temperatures at all points in the food storage and preparation process. [§ IV Sanitation ¶ 39]	Yes			

Hygiene and Sanitation Defendants shall provide persons confined in SPC, SIDF, TDF, RDF, KYF, and SHDF with sanitary conditions of confinement. [§ IV Sanitation ¶ 40]	Yes			
Defendants shall establish and implement written policies and procedures for routine daily housekeeping for all areas of SPC, SIDF, TDF, RDF, KYF, and SHDF. [§ IV Sanitation ¶ 41]	Yes			
Defendants shall ensure that the local public health authority shall conduct health inspections of all areas of SPC, SIDF, TDF, RDF, KYF, and SHDF. Defendants shall implement the public health authority's recommendation within 15 days of receiving them. [§ IV Sanitation ¶ 42]	Yes			
Within 180 days from entry of this Decree, Defendants shall provide at least twenty (20) foot-candles of artificial lighting, measurable thirty-six inches from the floor upward, in all cells and common areas of SPC, SIDF, TDF, RDF, KYF, and SHDF. All lighting fixtures should be enclosed in fixtures appropriate for use in a secure or correctional setting and free from electrical hazards and unsecured wiring. [§ IV Sanitation ¶ 43]	Yes			
Within 180 days from entry of this Decree, Defendants shall provide at least fifteen (15) cubic feet per minute per inmate of fresh forced air via mechanical ventilation with supply and exhaust, temperature controlled or otherwise for all SPC, SIDF, TDF, RDF, KYF, and SHDF cells and common areas. [§ IV Sanitation ¶ 44]	Yes			
Defendants shall provide hot water in all bathrooms at SPC, SIDF, TDF, RDF, KYF, and SHDF for personal hygiene and cleaning of the facility. [§ IV Sanitation ¶ 45] NOTE: SEE ¶65.c. FOR PARTIAL EXCEPTION NOTE: SEE ¶12 FOR EXCEPTION FOR RDF/TDF	Yes partial	It affects the security, due to these areas are not equipped w/toilet & shower officers safety & security is compromised everytime the door is open. Sight & sound is compromised.		Due to overcrowding, SPC house arrestees in visitation 1#2, Supv. office & Library. No toilet & shower. Prisoners use officers toilet & then taken into SMU to utilize the shower.
Defendants shall provide adequate toilet facilities, including one shower for every twelve inmates, and regular access to toilets at SPC, SIDF, TDF, RDF, KYF, and SHDF. Defendants shall survey each facility for plumbing deficiencies and repair toilets and urinals on a priority basis. Defendants shall ensure that all toilets flush properly, the septic systems are maintained in good working order, bathrooms have working sinks, and showers are free from mold and mildew. Defendants shall comply with this paragraph within 90 days except that Defendant shall have 180 days to comply at SPC with the requirement that Defendants provide one shower for every twelve inmates and flushing toilets. [§ IV Sanitation ¶ 46]				

<p>Defendants shall remove all hazardous chemicals from cells and common areas of SPC, SDF, TDF, RDF, KYF, and SDF. [§ IV Sanitation ¶ 47]</p> <p>Defendants shall provide each inmate with an appropriate place to sleep at SPC, SDF, TDF, RDF, KYF, and SDF regardless of crowding. Defendants shall provide each inmate adequate bedding and a clean sleeping surface at least twelve inches off the floor. Defendants shall remove all cloth mattress covers and provide all inmates at SPC, SDF, TDF, RDF, KYF, and SDF with fire, soil, and moisture resistant mattress covers that may be sanitized. [§ IV Sanitation ¶ 48]</p>	Yes	Compromises the security & safety of officers & inmates & the institution	Arrests are put into visitation rooms, sup. & library. They are provided, but it's put on the floor.
<p><u>Medical Care</u></p> <p>Defendants shall provide a complete health screening to all persons at SPC, SDF, TDF, RDF, KYF, and SDF as follows: [§ V Medical Care ¶ 49]</p> <p>Upon admittance Defendants shall administer a health-screening questionnaire designed to determine whether the inmate has a communicable disease, is in need of medical attention, has special medical needs, is taking prescription medication, is mentally ill, or presents a suicide risk. The screening shall be administered by trained staff and kept with the inmate's record [§ V Medical Care ¶ 49 a.]</p>	Partial	Due to no nurse & doctor available for SPC, Prisoners & officers are at high risk for blood & Air borne disease	Only PPD test we are able to provide but not the physical exam. Due to no nurse & doctor @ SPC
<p>Upon admittance Defendants shall administer a health-screening questionnaire designed to determine whether the inmate has a communicable disease, is in need of medical attention, has special medical needs, is taking prescription medication, is mentally ill, or presents a suicide risk. The screening shall be administered by trained staff and kept with the inmate's record [§ V Medical Care ¶ 49 a.]</p> <p>All inmates confined for seven or more days shall be administered a PPD tuberculosis test within the seven days. Regardless of length of confinement, any person demonstrating symptoms of active tuberculosis or resting positive for tuberculosis shall be administered a chest x-ray within 3 days. All persons with active tuberculosis shall be segregated immediately from the rest of the population in a manner to minimize the risk of tuberculosis transmission and provided appropriate medical care. [§ V Medical Care ¶ 49 b.]</p>	Yes		
<p>All inmates at SPC, SDF, TDF, RDF, and KYF confined for fourteen days or longer, or persons confined at SDF for 21 days or longer, shall be given a physical health assessment by a physician or physician assistant. The assessment shall include a medical history, and a vital signs examination. The results of the assessment shall be recorded and kept in the inmate's medical record along with the inmate's medical intake screening form [§ V Medical Care ¶ 49 c.]</p>	No	Unless prisoners are truly ill and medical if not it poses officers & other prisoners @ high risk for blood or Air borne disease	One does not want to conduct physical exam due to shortage of doctors. Officers are not certified or qualified to assess & determine if a prisoner is sick.

Defendants shall administer medication at SPC, SIDF, TIDF, RDE, KYF, and SIDF only by a nurse or other individual trained in dispensing medications and recognizing and responding to possible side effects of taking medications. § IV Medical Care ¶ 501 NOTE: SEE ¶12 FOR EXCEPTION FOR RDE/TIDF Within 180 days from entry of this Decree, Defendants shall train all staff in preventing the spread of communicable diseases and blood-borne pathogens, including TB and HIV. § IV Medical Care ¶ 511	<i>No</i>				<i>Nurse is needed on a full time basis - NO Nurse & Doctor for the SPC</i>
Security and Protection from Harm Defendants shall staff SPC, SIDF, TIDF, and RDE with an adequate number of full-time correctional officers. Staff at SPC, SIDF, TIDF, RDE, KYF, and SIDF shall be sufficient number to supervise inmates in the event of an emergency or routine absences, and, at RDE and TIDF, when detainees are escorted to the lavatories. § VI Security and Protection from Harm ¶ 521	<i>Yes</i>				
Defendants shall train corrections officers, supervisors, and other staff responsible for caring for inmates at SPC, SIDF, TIDF, RDE, and SIDF in professional corrections practices. All newly hired correctional officers and supervisors shall successfully complete sixty (60) hours of pre-service training before working in the institution, and eighty (80) hours of on the job training supervised by an experienced correctional officer. Defendants shall provide in-service training of a minimum of forty (40) hours per year for all correctional officers after their first year of employment. Training shall include, but is not limited to, certification for CPR, fire safety, inmate mental health, security practices, suicide prevention, and other appropriate curriculum. § VI Security and Protection from Harm ¶ 531 NOTE: SEE ¶12 FOR EXCEPTION FOR RDE/TIDF	<i>Yes</i>				

<p>Within 180 days of entry of this Decree, Defendants shall develop comprehensive facility policies and procedures for SPC, SIDF, RIDF, KYF, and SDDF. Such policies and procedures shall include policies regarding supervising inmates of different classifications. Defendants shall regularly review and revise these policies and procedures as necessary. The United States shall be provided a copy of the final proposal policies and procedures upon their completion. The United States shall have the right to review policies and procedures so developed and, if the United States disagrees with any policy or procedure, shall inform and consult with Defendants to improve the policy or procedure. If the parties are unable to agree on whether a particular policy is appropriate, the matter shall be decided by the Court after briefing by the parties. Defendants shall obtain the assistance of professional consultants in developing these policies and procedures, and may seek the assistance of the National Institute of Corrections. Compliance with the requirements of this paragraph shall not be dependent or contingent, however, upon obtaining assistance from the National Institute of Corrections. Defendants may utilize such other professionals to develop these policies and procedures as they deem appropriate. [§VI Security and Protection from Harm ¶ 54]</p> <p>NOTE: SEE ¶12 FOR EXCEPTION FOR RIDF/TDF</p>	Yes			
<p>Defendants shall develop and implement at SPC, SIDF, TDF, RIDF, KYF, and SDDF an inmate classification plan utilizing objective and behaviorally based classification standards including nature of offense, criminal history, risk of being a predator/prey, and mental health status (e.g., suicide risk). The classification system shall be based upon safety and security considerations unique to the population at each facility. Defendants shall obtain the assistance of professional consultants in developing the inmate classification system, and may seek the assistance of the National Institute of Corrections in developing a classification system. Compliance with the requirements of this paragraph shall not be dependent or contingent, however, upon obtaining assistance from the National Institute of Corrections. Defendants may utilize such other professionals to develop the inmate classification plan as they deem appropriate. [§VI Security and Protection from Harm ¶ 55]</p>	Yes			

Defendants shall provide regular sight and sound direct supervision of all persons confined at SPC, SDF, TDF, RDF, KYF, and SIDF. Defendants shall remove sight-line obstructions such as hanging sheets and towels. [§VI Security and Protection from Harm ¶ 56]	Yes			
Defendants shall provide correctional officers, and other staff supervising inmates at SPC, SDF, TDF, RDF, KYF, and SIDF with the ability to communicate at all times while supervising or monitoring inmates, with a central command post at each facility. [§VI Security and Protection from Harm 57]	Yes			
Defendants shall ensure that correctional officers at SPC, SDF, TDF, RDF, KYF, and SIDF make frequent rounds to monitor activity in inmate housing areas. Appropriate documentation of security checks shall be maintained in a manner that is readily identifiable and verifiable. Sufficient officer rounds shall be made within the housing units to provide inmates reasonable protection from harm. At minimum, in maximum and medium security housing areas such rounds shall be made and recorded on at least fifteen (15) minute intervals. [§VI Security and Protection from Harm ¶ 58]	Yes			
Defendants shall provide special needs (e.g., suicide-watch), protective custody, and disciplinary/maximum security housing areas at SPC, SDF, TDF, RDF, KYF, and SIDF for inmates who must be separated from the general population and/or in need of frequent or constant supervision. Suicide-watch cells must be free from "hanging points." Staff shall monitor potentially suicidal inmates at least every fifteen (15) minutes and record such monitoring. Staff shall continuously monitor suicidal inmates. [§VI Security and Protection from Harm ¶ 59]	NO	Due to overcrowding in all Areas/Section, cannot separate suicidal.		
Within 180 days from entry of this Decree, Defendants shall install a secure perimeter fence around SPC, SDF, TDF, RDF, KYF, and SIDF, appropriate to the inmate classification and population at each facility. Each fence shall have adequate lighting and be monitored. [§VI Security and Protection from Harm ¶ 60] NOTE: SEE ¶12 FOR EXCEPTION FOR RDF/TDF	NO	Compromises the safety & Security of the Institution.		Due to the New Prison Complex Construction, SPC no longer has a safe refuge area; Demolished by the Contractor
Defendants shall ensure that males and females at KYF do not commingle unless directly supervised by staff. [§VI Security and Protection from Harm ¶ 61]				

<p>Defendants shall control and account for the location of all tools, utensils, and personal effects that could be used as a weapon. Defendants shall secure all areas in which metal objects are stored or disposed. Defendants shall install "shadow boards" in tool storage and kitchen utensil areas and daily account for and document all tools and utensils accessible to inmates. Inmates shall not have access to any area in which metal objects are stored or held for removal as trash, unless directly and constantly supervised by staff. Correctional officers shall search inmates and housing areas for contraband articles. [§VI Security and Protection from Harm ¶ 62]</p> <p>NOTE: SEE ¶12 FOR EXCEPTION FOR RDFT/DF</p> <p>New Construction</p> <p>Any new facility(ies) built or operated by Defendants, or their agents or contractors, to detain or confine inmates shall comply with the provisions of this Decree. [§VII New Construction ¶ 63]</p> <p>Any new facility(ies) built or operated by Defendants, or their agents or contractors to detain or confine inmates shall be designed by an architect with experience in designing correctional facilities. Defendants shall provide the United States with the architectural plans for such facility(ies) for the United States' review and comments. [§VII New Construction ¶ 64]</p>	yes				
yes					
yes					

<p>Defendants have provided the United States with the following schedule termed "Planning Schedule for New Facilities": December 1998, Defendants shall have hired an expert consultant as a project manager for the new facility construction project; September 1999, Defendants shall award the architectural and engineering contract for the new facility; May 2000, Defendants shall begin construction of the new facility. If Defendants follow this schedule and progress at a reasonable pace in constructing the new facility(ies), Defendants need not comply with the following provisions of this Decree for the current facilities, provided that the current facilities are not used to detain and confine inmates upon the opening of the new facility(ies):</p> <p>[§VII New Construction ¶ 65]</p> <p>Paragraph 14 in that it requires the fire alarm and smoke detection system to operate as an integrated system alerting a central control panel and directly notifying the fire department. Defendants may instead use single unit battery operated alarms and smoke detectors provided such units are tested and serviced weekly. In addition, each unit shall be continuously supervised by staff with two-way communication to a central control that can immediately respond to the emergency, including immediately contacting the fire department. [§VII New Construction ¶ 65 a.]</p> <p>Paragraph 22 regarding installation of fire sprinklers; [§VII New Construction ¶ 65 b.]</p> <p>Paragraph 45 as it applies to hot water in the lavatories at SPC and SDF. [§VII New Construction ¶ 65 c.]</p>				
<p><u>Compliance</u></p> <p>Ninety (90) days following entry of this Decree and every six (6) months thereafter until this Decree is terminated, the CNMI shall file with the Court, with a copy to the United States, a status report delineating all steps taken during the reporting period to comply with each provision of this Decree. The CNMI shall state whether any internal or external audits of the functions of SPC, SDF, TDF, RDP, KVF, and SHF have been performed and will summarize the subject matter and results of such reports. The CNMI shall provide the United States with copies of these reports or audits upon request. [§VIII Compliance ¶ 66]</p>	<p>Yes</p>	<p>Changed to Quarterly Report</p>		

Defendants shall maintain all records necessary to document their compliance with all terms of this Decree. The Defendants shall also maintain any and all records required by or developed under this Consent Decree. [§VIII Compliance ¶ 67]	Yes				
Defendants shall appoint a consent Decree coordinator to oversee compliance with this Decree, and to serve as a point of contact. [§VIII Compliance ¶ 68]	Yes				
During all times while the Court maintains jurisdiction over this action, the United States shall have access to, and receive copies of, any documents and any databases necessary to evaluate compliance with this Decree. The United States shall have access to all staff and facilities as necessary to evaluate the Defendants' compliance with the terms of this Decree. [§VIII Compliance ¶ 69]	Yes				
The Defendants shall immediately provide copies of, and explain the terms of this Decree to all current and future employees or other staff of SPC, SDF, TDF, RDF, KYE, and SHDF, in order to ensure that they understand the requirements of this Decree and the necessity for its strict compliance. All such individuals shall sign a statement indicating that they have read and understand this Decree and acknowledge receiving an individual copy of the Decree. [§VIII Compliance ¶ 70]	Yes				
Except where otherwise specifically indicated, the Defendants shall implement all provisions of this Decree within 90 days after entry of this Decree. [§VIII Compliance ¶ 71]	Yes				

<p>The Court shall retain jurisdiction of this action for all purposes during the term of this Decree. At any time after two (2) years from the date of entry of this Decree, and after substantial compliance has been maintained for no less than one year, the CNMI may move to terminate this Decree. Any motion to terminate must detail all aspects of the Defendants' compliance with each provision of this Decree, supported by affidavits and supporting documentation. The United States shall have ninety (90) days from receipt of the CNMI's motion to terminate to file its objection(s). In the event the United States objects to termination of the Decree, the Court shall hold a hearing, at which both parties may present evidence, before ruling on the motion to terminate. At the hearing, the burden shall be on the CNMI to demonstrate that it has fully and faithfully implemented all provisions of this Consent Decree and maintained substantial compliance for at least one year. [§VIII Compliance ¶ 72]</p>	<p><i>Yes</i></p>			
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